

Agenda for NPDES Permits Session with HDOH, December 2011

Desired outcome: Agree on realistic list of permits for FY12 issuance, and assign staff and determine schedule for workload streamlining opportunities and rule change coordination.

1. **Highlights:** issued improved CCH MS4 permit, improved fact sheet rationale, established contractor support, filled supervisor vacancy, and held WET training.
2. **FY11 End of Year % current vs. expired permits and # permits issued, considering 106 work plan commitments.**

	Proposed	Actual	# Current / Total	%Current
Majors	8	3	5**/18	28%
Major MS4s	2	1	1/2	50%
Non-SW Minors	10 reissued/ 5 new*	7 reissued/ 1 terminated/ 1 new	22/31	71%
Minor MS4s	0	0	4/9	44%
SW Minors	0	13	67/72	93%
General Permits	1*	0	12/12	100%
Total	26	13 (+ 13 SW Minors)	111/144	77%

*PGP and Ewa Shaft added later to 106 workplan

** Waianae is contested.

- a) Reissued/issued 13 of 26 permits planned for FY11. Also issued 13 SW Minors (not proposed in 106 workplan). See reference document: *HDOH FY11/FY12 permit issuance schedule*.

3. Performance Concerns regarding Priorities/Workload Distribution

- a) Unrealistic 106 workplan permit issuance schedule commits to FY11 backlog of 13 permits *in addition to* 28 FY12 permits (6 Majors, 8 Non-SW Minors, 2 Minor MS4s, 12 General); total of **41 permits by end of FY12**.
- b) The 12 GPs **cannot** be administratively extended. One permit writer assigned.
- c) Time intensive NOI reviews and individual stormwater minor permits.
- d) One permit staff position vacant since supervisor position filled.

4. EPA Proposed Solutions to Performance Concerns

- a) Recommended FY12 permit issuance schedule. See reference document: *EPA Recommended FY12 Issuance*.
- b) GP for stormwater discharges to Class 1(a) and AA waters.
- c) Change HAR 11-55-34.09(e) to allow automatic coverage after 30 days for NOI renewals.
- d) Develop automatic correspondence (e-permitting) and flagging methods to focus review on high-impact NOIs.
- e) Additional contractor assistance:
 - i. Status of PG/DOH coordination.
 - ii. Future support ideas – more permits, GP for stormwater discharges to Class 1(a)/AA waters, CAFO rule change, review of permit submittals, training?

5. HAR 11-54 (WQS) and 11-55 Rule Changes and Permitting Coordination

- a) PGP - both HAR 11-54 and 11-55.
- b) Antidegradation – HAR 11-54 policy update and Implementation Methods.
- c) WET Methods – updated citations in HAR 11-54.
- d) Test of Significant Toxicity (TST) – allow flexibility for statistical approach in HAR 11-54 and update State Toxics Control Program.
- e) Intake credits? – HAR 11-54 or State Toxics Control Program provision to allow/requirements for intake credits for WQBELs.
- f) 2008 CAFO Rule – HAR 11-55, technical standards?

Reference Materials:

- 1. HDOH FY11_FY12 permit issuance schedule (from 106 workplan)
- 2. EPA Recommended FY12 Issuance

Identify Action Items:

- 1.
- 2.
- 3.